

21.08.2023
(M/L 250)
Ct. No.29
Dismissed
(SKB)

CRM (A) 3049 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Suri P.S. Case No.33 of 2023 dated 29.01.2023 under Sections 341/323/326/307/354B/34 of the Indian Penal Code.

In the matter of : Sujoy Das @ Sujay Das @ Sajay Das
... Petitioner

Mr. Sujoy Sarkar,
Mr. Rahul Chachan
... for the petitioner

Mr. S. S. Imam,
Mr. S. Kundu
... for the State

1. Heard the learned Counsel for the parties.
2. This is admittedly a second application for anticipatory bail after rejection of the first one during investigation.
3. The present petition has been filed on the ground that charge-sheet has been filed under a lessor section i.e. Section 326 IPC, though investigation was initiated for offence under Section 307 IPC. Such development is, however, not a supervening circumstance in our view.
4. Accordingly, this application for anticipatory bail being CRM(A) 3049 of 2023 is dismissed being not maintainable. However, if the petitioner surrenders before the competent court within 15 days from today and makes prayer for bail, the same shall be considered and

disposed of on merit in accordance with law. If ground of parity is canvassed, the same shall be taken into consideration at the time of disposal of the bail application. Advance notice to the concerned PP/APP be given three days prior to appearance of the petitioner before the competent court.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)